

REMARKS/ARGUMENTS

This paper is responsive to the final Office Action mailed April 23, 2008. Reconsideration and allowance are respectfully requested. No new matter is added.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claim 1 is rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not supported by the specification. It is believed that this rejection is rendered moot in view the amendments herein.

Art-Based Rejections

- Claims 1, 2, 4, 5, 7-9, 15-17, 24-27, and 29-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 00/64150 to Bruck, et al. (“Bruck”) in view of U.S. Patent Application Publication No. 2002/0112239 to Goldman (“Goldman”, and further in view of U.S. Patent No. 5,880,731 to Liles, et al. (“Liles”).
- Claims 3, 6, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck in view of Goldman, further in view of Liles, and further in view of U.S. Patent No. 7,036,083 to Zenith (“Zenith”).
- Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck in view of Goldman, further in view of Liles, and further in view of U.S. Patent No. 6,208,335 to Gordon, et al. (“Gordon”).

Applicants respectfully traverse all rejections in view of the amendments and remarks herein.

It is noted that all of the rejected claims have been canceled and replaced with new claims. Therefore, the asserted references will be discussed in connection with the new claims.

Independent Claim 39

Independent claim 39 recites “displaying in said second display area, simultaneously with the displayed television programming, a first group of at least one avatar images representing a first group of the other multimedia apparatuses that are tuned to said television programming; and superimposing text of said text communications on said background image in said second

display area close to said at least one displayed avatar image representing a participant that made said text communication....”

The Office Action alleges (in rejecting canceled claim 1) that Bruck, Goldman and Liles disclose displaying said text close to said selected avatar image. In particular, the Office Action relies on Liles in col. 10/4-28 for the recited avatars.

Liles discloses in col. 10/4-28 that a text balloon can be selected before transmitting text that is typed into a text box as indicating that text should be treated as a verbal communication or a mental thought balloon to indicate thoughts. However, this part of Liles fails to describe actual presentation of the sent text in relation to the avatar. In fact, Liles describes a different implementation, see Liles col. 12/59 - 13/7.

For instance, Figure 13 of Liles illustrates a window 250 showing an example of an opening graphic chat session in a virtual world or room 252 called 'ARCHES.' As the user joins the graphic chat session taking place, he/she enters the virtual space looking at an avatar 254 representing the host of the chat session. Avatar 254 welcomes the user with an introductory text message shown in a history pane 262.

In this example of a virtual world, a plurality of floating grids 258 support arches 256. Participants in the chat session can move from grid to grid and can use the Shift-Up or Shift-Down key to move their avatars up or down relative to the floating grids. Messages that are transmitted to the user are displayed and scrolled in the history pane. Text that has scrolled out of view in the history pane can be accessed by the user by moving a scroll box 266 in a scroll bar 264 in the history pane.

The user can enter text to be transmitted to other participants in the chat session in text box 150, as noted above. In addition, the nature of the text message that is prepared by the user can be identified by selecting the appropriate text bubble (and optionally choosing an appropriate gesture to be transmitted with the text by selecting one of the emoticons 140 from a toolbar 268).

This describes that messages are displayed in a specific area, i.e., a history pane 262, that is not close to (or indeed in any way associated with) the specific avatar, as is recited in claim 39.

For at least these reasons, it is submitted that Liles fails to teach or suggest these features of claim 39.

Nor does the combination of Liles with Bruck and/or Goldman overcome this deficiency of Liles (nor are these references relied on to make up for such a deficiency).

Therefore, it is submitted that claim 39 is allowable over Bruck, Goldman, and Liles, either alone or in combination as proposed.

Independent Claim 61

It is submitted that independent claim 61 is also allowable for at least similar reasons as those discussed above with regard to claim 39.

Dependent Claims

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein. Moreover, the addition of Zenith and Gordon does not overcome the above-discussed deficiencies of Bruck Goldman, and Liles.

Conclusion

All rejections having been addressed, Applicants submit that the instant application is in condition for allowance, and respectfully solicit notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,
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